



Entered on Docket
February 05, 2010

A handwritten signature in cursive script, reading "Bruce A. Markell".

Hon. Bruce A. Markell
United States Bankruptcy Judge

Electronically Filed on _____

WILDE & ASSOCIATES
Gregory L. Wilde, Esq.
Nevada Bar No. 004417
208 South Jones Boulevard
Las Vegas, Nevada 89107
Telephone: 702 258-8200
bk@wilidelaw.com
Fax: 702 258-8787

MARK S. BOSCO, ESQ.
Arizona Bar No. 010167
TIFFANY & BOSCO, P.A.
2525 East Camelback Road, Suite 300
Phoenix, Arizona 85016
Telephone: (602) 255-6000

U.S. Bank National Association, as Trustee for CMLTI 2007-WFHE3
09-50950

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA**

In Re:

Beatriz Diaz

Debtor.

BK-S-09-32698-bam

Date: 1/19/2010
Time: 1:30 pm

Chapter 7

ORDER VACATING AUTOMATIC STAY

1 IT IS HEREBY ORDERED, ADJUDGED AND DECREED that the Automatic Stay in the
2 above-entitled bankruptcy proceedings is immediately vacated and extinguished for all purposes as to
3 Secured Creditor U.S. Bank National Association, as Trustee for CMLTI 2007-WFHE3, its assignees
4 and/or successors in interest, of the subject property, generally described as 6250 West Flamingo Road
5 Unit 44, Las Vegas, NV 89103, and legally described as follows:
6

7 In the County Clark of Clark, State of Nevada and is described as follows:

8 **PARCEL I:**

9 AN UNDIVIDED 1/15TH INTEREST IN AND TO PHASE 3, COMMON AREA, AS THE
10 SAME IS DELINEATED ON THE PLAT OF FLAMINGO RIDGE IN BOOK 33 OF PLATS,
11 PAGE 40, AND AS AMENDED IN BOOK 34 OF PLATS, PAGE 4, ALL AS RECORDED IN
12 THE OFFICE OF THE COUNTY RECORDER OF CLARK COUNTY, NEVADA AND
13 FURTHER DEFINED IN DECLARATION OF COVENANTS, CONDITIONS AND
14 RESTRICTIONS FOR FLAMINGO RIDGE, RECORDED ON DECEMBER 16, 1985 IN
15 BOOK 2233 AS DOCUMENT NO 2192514.

16 EXCEPTING THEREFROM THE EXCLUSIVE RIGHT TO POSSESSION OF THAT AREA
17 DESIGNATED AS LIMITED COMMON AREA, AS DEFINED IN DECLARATION OF
18 COVENANTS, CONDITIONS AND RESTRICTIONS AND AS SHOWN UPON THE MAP
19 FOR FLAMINGO RIDGE REFERRED TO ABOVE.

20 AND FURTHER EXCEPTING THEREFROM FOR THE BENEFIT OF OWNERS OF
21 CONDOMINIUMS LOCATED IN PHASES 1, 2, AND 4 THROUGH 9, NON-EXCLUSIVE
22 EASEMENTS ON, OVER AND UNDER THE COMMON AREA FOR PHASE 6 AS
23 DEFINED AND SHOWN ON THE PLAT OF FLAMINGO RIDGE REFERRED TO ABOVE
24 FOR INGRESS, EGRESS AND RECREATIONAL USE SUBJECT TO THE TERMS AND
25 MORE PARTICULARLY SET FORTH IN THE DECLARATION OF COVENANTS
26 CONDITIONS AND RESTRICTIONS TO WHICH REFERENCE IS HEREAFTER MADE
EXCEPTING FROM THE COMMON AREA, ANY RESIDENTIAL BUILDING THEREOF
AND ANY PORTION THEREOF WHICH IS DESIGNATED AS LIMITED COMMON
AREA. THE EASEMENT RESERVED HEREIN SHALL BECOME EFFECTIVE UPON
RECORDATION OF DECLARATION OF ANNEXATION DECLARING PHASES 6
THROUGH 9, RESPECTIVELY, TO BE SUBJECT TO THE DECLARATION OF
COVENANTS CONDITIONS AND RESTRICTIONS TO WHICH REFERENCE IS
HEREAFTER MADE.

PARCEL II:

1 UNIT THIRTY-TWO (32) IN BUILDING SIX (6) OF FLAMINGO RIDGE, AS SHOWN
2 UPON THE PLAT ABOVE REFERENCED AND FURTHER DEFINED IN THE
3 AFOREMENTIONED COVENANTS CONDITIONS AND RESTRICTIONS.

4 PARCEL III:

5 THE EXCLUSIVE RIGHT TO POSSESSION AND ENJOYMENT OF THAT ARE
6 DESIGNATED AS LIMITED COMMON AREA APPURTENANT TO THE UNIT
7 BEAREING THE SAME NUIMBER AND THE PARKING SPACE AS SHOWN AND
8 DESCRIBED ON THE PLAT OF FLAMINGO RIDGE IN BOOK 33 OF PLATS PAGE 40
9 AND AS AMENDED IN BOOK 34 OF PLATS PAGE 4 AS RECORDER IN THE OFFICE
10 OF THE COUNTY RECORDER OF CLARK COUNTY NEVADA AND FURTHER
11 DEFINED IN THE DECLARATION OF COVENANTS CONDITIONS AND
12 RESTRICTIONS FOR FLAMINGO RIDGE.

13 PARCEL IV:

14 A NON-EXCLUSIVE EASEMENT FOR INGRESS EGRESS AND RECREATIONAL USE
15 ON OVER AND UNDER THE COMMON AREAS OF PHASES 1, 2, AND 4 THROUGH 9
16 WHICH EASEMENT IS APPURTENANT TO PARCELS 1, 2 AND 3 DESCRIBED ABOVE
17 THE EASEMENT SHALL BECOME EFFECTIVE UPON THE RECORDATION OF A
18 DECLARATION OF ANNEXATION DECLARING PHASE 6 THROUGH 9 TO BE
19 SUBJECT TO THE DECLARATION OF RESTRICTIONS TO WHICH REFERENCE IS
20 MADE HEREIN OR A SEPARATE DECLARATION OF RESTRICTIONS WHICH
21 REQUIRES THE OWNERS OF PHASE 6 THROUGH 9 TO BE MEMBERS OF THE
22 ASSOCIATION AS DEFINED IN SAID RESTRICTIONS ALL AS MORE FULLY SET
23 FORTH IN THE DECLARATION OF COVENANTS CONDITIONS AND RESTRICTION
24 REFERRED TO ABOVE THE COMMON AREA REFERRED TO HEREIN AS PHASES 1, 2
25 AND 4 THROUGH 9 SHALL BE AS SHOWN AND DESCRIBED ON THE PLAT
26 FLAMINGO RIDGE RECORDED IN THE OFFICE OF THE COUNTY RECORDER
CLARK COUNTY, NEVADA EXCEPTING THEREFROM ANY RESIDENTIAL
BUILDINGS THEREON AND ANY PORTION THEREOF WHICH MAY BE
DESIGNATED AS RESTRICTED COMMON AREA.

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1 **IT IS FURTHER ORDERED, ADJUDGED and DECREED** that the Secured Creditor shall
2 **give Debtor at least five business days' notice of the time, place and date of sale.**

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4 DATED this _____ day of _____, 2010.

5 Submitted by:

6 **WILDE & ASSOCIATES**

7 *G. Wilde #10235*
8 By: /s/Gregory L. Wilde, Esq

9 **Gregory L. Wilde, Esq.**

10 Attorney for Secured Creditor

208 South Jones Boulevard

Las Vegas, Nevada 89107

11 APPROVED / DISAPPROVED

12 By: _____

13 David E. Doxey

211 N. Buffalo Drive, Suite A

Las Vegas, NV 89145

14 Attorney for Debtor(s)

15 Nevada Bar No: _____

16
17 APPROVED / DISAPPROVED

18 By: _____

19 Joseph B. Atkins

5030 Paradise Road #B-213

Las Vegas, NV 89119

20 Chapter 7 Trustee

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1 In accordance with Local Rule 9021, the undersigned counsel certifies as follows (check one):

2 ☐ The court waived the requirements of LR 9021.

3 ☐ No parties appeared or filed written objections, and there is no trustee appointed in the case.

4 ☐ No parties appeared or filed written objections, and the trustee is the movant.

5 ☒ This is a chapter 7 or 13 case, and either with the motion, or at the hearing, I have delivered a
6 copy of this proposed order to all counsel who appeared at the hearing, and any trustee
7 appointed in this case, any unrepresented parties who appeared at the hearing, and each has
8 approved or disapproved the order, or failed to respond, as indicated below:

9 Debtor's counsel:

10 ☐ approved the form of this order ☐ disapproved the form of this order

11 ☐ waived the right to review the order and/or ☒ failed to respond to the document

12 ☐ appeared at the hearing, waived the right to review the order

13 ☐ matter unopposed, did not appear at the hearing, waived the right to review the order

14 Trustee:

15 ☐ approved the form of this order ☐ disapproved the form of this order

16 ☐ waived the right to review the order and/or ☒ failed to respond to the document

17 ☐ This is a chapter 9, 11, or 15 case, and I have delivered a copy of this proposed order to all
18 counsel who appeared at the hearing, and any trustee appointed in this case any unrepresented
19 parties who appeared at the hearing, and each has approved or disapproved the order, or failed to
20 respond, as indicated below.

21 Debtor's counsel:

22 ☐ approved the form of this order ☐ disapproved the form of this order

23 ☐ waived the right to review the order and/or ☐ failed to respond to the document

24 ☐ appeared at the hearing, waived the right to review the order

25 ☐ matter unopposed, did not appear at the hearing, waived the right to review the order

26 Trustee:

☐ approved the form of this order ☐ disapproved the form of this order

☐ waived the right to review the order and/or ☐ failed to respond to the document

☐ I certify that I have served a copy of this order with the motion, and no parties appeared or filed
written objection.

Submitted by:

/s/ Gregory L. Wilde, Esq.

Gregory L. Wilde, Esq.

Attorney for Secured Creditor